

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:04-CR-00295-RJC-DCK

USA

v.

MELVIN BURNS

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ORDER

**THIS MATTER** is before the Court upon motions of the defendant pro se and through counsel for a reduction of sentence based on the First Step Act of 2018, (Doc. Nos. 195, 197), to which the government consents.

The defendant pled guilty to conspiracy to possess with intent to distribute between 50 and 150 grams of cocaine base. (Doc. No. 83: Amended Judgment at 1). Based on the government's 21 U.S.C. § 851 Notice, (Doc. No. 15), the advisory guideline range was the statutory mandatory minimum sentence of 240 months' imprisonment and 10 years' supervised release. (Doc. No. 198: Supplemental Presentence Report at 1), which the Court imposed. (Doc. No. 83: Judgment at 2).

Under the First Step Act, the advisory guideline range is a reduced statutory mandatory minimum sentence of 120 months' imprisonment and 8 years' supervised release. (Doc. No. 198: Supplemental Presentence Report at 2). The defendant has approximately 195 credited months in the Bureau of Prisons (BOP). (Id. at 2). Therefore, the defendant seeks a sentence of time served plus up to ten days followed by 8 years' supervised release, to which the government consents. (Doc. No. 197: Motion at 1).

In exercising its discretion under the First Step Act, the Court has considered the factors set forth in 18 U.S.C. § 3553(a), as well as the defendant's post-sentence conduct and the public's safety. Based on these factors, the Court finds that a reduction of the defendant's sentence would accomplish the goals of sentencing.

**IT IS, THEREFORE, ORDERED** that the defendant's motions, (Doc. Nos. 195, 197), are **GRANTED** and the defendant's sentence is reduced to the time served, plus up to ten days for the BOP to process his release, followed by 8 years' supervised release.

**IT IS FURTHER ORDERED** that, if the defendant is released from imprisonment without a residential plan accepted by the United States Probation Office (USPO), he shall submit to the local Residential Reentry Center for a period not to exceed 90 days, with work release, at the direction of the USPO, as a condition of supervised release. All other conditions remain unchanged.

The Clerk is directed to certify copies of this Order to the defendant, counsel for the defendant, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: May 22, 2019



Robert J. Conrad, Jr.  
United States District Judge

